

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PAR PHARMACEUTICAL, INC., PAR
STERILE PRODUCTS, LLC, and ENDO
PAR INNOVATION COMPANY, LLC,

Plaintiffs,

v.

LUITPOLD PHARMACEUTICALS, INC.,
DAIICHI SANKYO, INC., and DAIICHI
SANKYO COMPANY, LTD.,

Defendants.

AMENDED ORDER

Civ. No. 16-02290 (WHW)(CLW)

Walls, Senior District Judge

This matter having come before the Court on Defendant Luitpold's Motion for Judgment on the Pleadings, ECF No. 41, it is hereby ORDERED that:

1. Luitpold's Motion for Judgment on the Pleadings is granted as to Counts I and III asserted against it by Plaintiffs in the Amended Complaint. ECF No. 70 ¶¶ 65–68, 73–76. These claims are dismissed with prejudice.
2. Counts II and IV of Plaintiffs' Amended Complaint, ECF No. 70 ¶¶ 69–72, 77–80, are dismissed without prejudice for lack of ripeness.
3. Luitpold's Motion for Judgment on the Pleadings is granted as to Luitpold's First Counterclaim. ECF No. 13 ¶¶ 114–15.
4. Luitpold's Counterclaims II and III, ECF No. 13 ¶¶ 116–123, are dismissed without prejudice.

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It is DECLARED, ADJUDGED, and DECREED with respect to Plaintiffs that:

1. Luitpold has not infringed and is not now infringing (either directly, jointly, contributorily, by inducement, or under the doctrine of equivalents) any valid and enforceable claim of United States Patent Nos. 9,119,876 and 9,295,657.

DATE:



William H. Walls

Senior United States District Court Judge